GOVERNMENT OF KARNATAKA

Social Welfare and Labour Department

Labour Dispute.—Industrial Dispute between the workmen and the management of the Deputy General and Divisional Controller, K.S.R.T.C., Hassan Division, Hassan.

Award of the Presiding Officer, Labour Court, Mangalore, published.

Read the following papers :—

(1) Letter No. A—ID. 28—74-75, dated 7th March 1975 from Shri H. S. Venkatasubbaiah, Presiding Officer, Labour Court, Mangalore.

BEFORE THE LABOUR COURT AT MANGALORE

Dated 7th March 1975

Reference (ID) (LCM) No. 28 of 1973

Present :

Sri H. S. VENKATASUBBAIAH, B.A., LL.B.,

Presiding Officer.

Between

The workmen, represented by the Secretary, M.S.R.T.C. Employees Union, Hassan .. **I Party**

and

The Management of the Deputy General and Divisional Controller, M.S.R.T.C., Hassan Division, Hassan .. **II Party**

Award

The Government of Karnataka, being of the opinion that an industrial dispute exists between the workmen and the management of the Deputy General and Divisional Controller, M.S.R.T.C., Hassan Division, Hassan, have referred the said dispute for adjudication to the Court under Section 10 (1) (c) of the Industrial Disputes Act, 1947, by their Order No. FCL 218 LLD 73, dated 2nd May 1973. The Points of dispute as specified in the Order of Reference are as follows :—

"I. Are the management of M.S.R.T.C., Hassan, justified in (a)—refusing employment to Sri Gunakar Bahadur, Watchman, Hassan Depot with effect from 25th July 1971 ? (b) terminating the services of Sri T. Chidambaraiah, Conductor, Sakleshpur Depot with effect from 23rd May 1972.

II. If not to what relief the above said workmen are entitled to ? "

2. After the receipt of the reference by this Court, notices were issued to both the parties to file their respective statements. The first party filed its claim statement in respect of the worker Gunakar Bahadur, Watchman on 21st May 1973 and in respect of the worker T. Chidambaraiah, Conductor, on the same day. The second party filed its counter statement in respepct of Gunakar Bahadur on 29th June 1973 and in respect of T. Chidambaraiah on 13th September 1973.

3. The claim of the first party in short is that Sri Gunakar Bahadur was a Gorka Watchman in the Security Section of the M.S.R.T.C., Hassan from 25th July 1965. On 14th May 1971, the Divisional Controller paid a surprise visit to the Depot and found a child 2½ years old, son of Sri Gunakar Bahadur, sleeping in the bed. It was midnight and the child only son of Gunakar Bahadur had just lost his mother, lonely and noone to take care of him. This was objected to by the Divisional Controller and the child was immediately removed out of the Depot premises and a representation written by a third person was made to be signed by the said watchman. A week after he understood that he had signed

his resignation letter. His services were terminated. The Corporation did not issue any charge sheet or conduct an enquiry. He was discharging his duties honestly and sincerely and had not committed any default punishable under law. Hence it was prayed that an order may be passed to reinstate him with back wages.

The claim of the other worker T. Chidambaraiah, Conductor, is that he was on duty on Route Hassan—Virajpet in Vehicle No. MYF 4521 on 20th September 1971. The checking staff stopped the vehicle between Konapur and Hebbale and the Conductor immediately handed over to them the way bill, the tickets book and the cash bag for scrutiny and verification. The number of passengers tallied with the entries made in the way bill and the value of the tickets tallied with the cash in the cash bag. During the above verification, one of the members of checking staff to whom Chidambaraiah could not identify, as they were not in their uniforms, went hastily around the passengers and sized the ticket box and tore off 8 tickets and kept them with himself. The checking staff can write their remarks on the way bill but they cannot tamper with or scribble with the entries made by the conductor. To justify their action of tearing off 8 tickets, inhaste, they converted 40—1 into 48—1 and forgot to scribble the same figure 40—1 in the remarks column. That way bill bearing No. 712015 was also perused by the concilliation officer, Chikmagalur. It is further contended that in the domestic enquiry the worker was not allowed to be helped by his union office bearers and was not given any opportunity to defend himself. It is further contended that the domestic enquiry was hastly conducted and the statement of the witnesses wer not properly recorded. The worker was not given an opportunity to cross-examine the management witnessess. he enquiry is opposed to the principles of natural justice. It is stated that the intention of the checking staff was to victimise Sri Chidambaraiah at any cost as can be seen by their allegation that there were passengers without tickets, travelling from Ramanathapura and Konanur, but their tickets have been checked at the subsequent checking point, i.e., Konanur which is also a sub-station and all the passengers in the bus had tickets with them. It is further stated that Sri Chidambaraiah is one of the senior most conductor and stood a fair chance of promotion as Traffic Controller and had served the Corporation for 10 years. Lastly it was stated

that the order of termination is malicious as it amounts to victimisation, etc. It was prayed that the order of termination be set aside and the conductor reinstated with back wages.

In the counter statement pertaining to Gunakar Bahadur filed by the second party it is contended that the said watchman served the second party from 25th July 1965 to 27th July 1971 till the acceptance of his resignation. It is stated that the then Deputy General Manager and Divisional Controller conducted a surprise check on 14th May 1971 at about 21-00 hours and found the watchman drunk while on duty and had allowed some unconnected and unauthorised persons to sleep in the office premises. The Deputy General Manager and Divisional Controller, asked him to intimate the credentials of the said persons who were sleeping along with him. The first party did not care to give a satisfactory reply. It is contended that the said watchman voluntarily tendered his resignation for domestic reasons. The first party while submitting his resignation cooked up a story that his 2½ year's son was sleeping with him at the time of surprise checking on 14th May 1971. The said allegation is only an after thought. The claim of the first party that he understood that he had signed his resignation has no legal foundation.

The resignation letter was submitted by him on 15th May 1971 and the same was accepted by the competent authority on 20th May 1971. The first party had enough time to withdraw his resignation letter. It is contended that the first party had no right to compel the organisation to hold an enquiry against his misconduct. Lastly it was stated that Gunakar Bahadur is not entitled to reinstatement, etc., as he had voluntarily tendered his resignation.

In the counter statement pertaining to T. Chidambaraiah the second party has stated that he failed to issue tickets to 8 passengers which was checked by the checking staff on 20th September 1971 when he was conducting the vehicle No. MYF 4521 plying in route No. SKP 16 at stage No. 12 (Hebbale). He failed to follow the rule "Issue and Start". This clearly amounts to misconduct and hence a regular enquiry was instituted against the first party. He was given full opportunity to defend himself at the domestic enquiry to meet the charges levelled against him. He fully participated at

the enquiry. It is contended that the enquiry officer had provided all reasonable opportunities to the first party during the enquiry and finally came to the conclusion that the first party is guilty of the charges levelled against him, and the competent authority after considering all the aspects agreed with the finding of the enquiry and therefore a show-cause notice was issued to the first party. The contention, branding the procedure adopted as against the principles of natural justice is vague, and untenable. The allegations made against The Divisional Controller, Hassan by the first party are malicious and mischievious. The Deputy General Manager the competent authority after traversing the entire records, and after applying his mind to the facts circumstances and evidence and further while imposing the punishment on the first party he has acted honestly, impartially without bias. After giving all opportunities the competent authority terminated the service of the first party on 23rd May 1972. Hence it was submitted that the claim of the first party be dismissed.

4. One additional issue was framed on 14th August 1973 as follows :—

"Whether the worker Sri Gunakar Bahadur voluntarily resigned from his job as Watchman under the 2nd party?"

On behalf of the first party the concerned workmen were examined as witnesses W. W. 1 and W. W. 2. On behalf of the second party four witnesses were examined as M.W. 1 to M.W. 4 and exhibits M-1 to M-21 were also got marked by the second party.

5. Now I shall take up the case of Gunakar Bahadur first. Exhibit M-1 is the resignation letter dated 15th May 1971. On that there is an endorsement by the Divisional Security Inspector to the effect that it was forwarded for further necessary action, and that endorsement is dated 18th May 1971. Exhibit M-2 is the order of the then Deputy General Manager and Divisional Controller, Hassan accepting the resignation. It is dated 20th May 1971. Exhibit M-3 is the letter dated 15th June 1971 signed by Gunakar Bahadur WW1. In that letter he has prayed for his reinstatement and has stated to the effect among other things that his superiors treated him in an inhuman way, since he was already desperated due to mental agony

and that he tendered his resignation without thinking of what he was doing and that has been accepted and now he is jobless and that he did not know how and what made him to tender his resignation, etc. Exhibit M-4 is the endorsement given by the Deputy General Manager on the representation dated 15th June 1971 to the effect that since his resignation had already been accepted his request for reinstatement could not be considered. Exhibit M-5 is a copy of his application given by Gunakar Bahadur to the Deputy Labour Commissioner, Hassan. In that he has stated to the effect among other things that he had tendered his resignation because his wife and one child had died at one and the same time and the remaining one child he was keeping with him while on duty and the Divisional Controller had told him that it was not proper for him to work keeping his child along with him and that he should leave the job and the Divisional Controller had told him that he would not be given any relief from the Department and that he was entitled to get the bonus and gratuity and that may be paid to him. He had also asked for his service certificate. The I Party Gunakar Bahadur W.W. 1 admits that he has signed Exhibit M-5 and admits that he has received his Provident Fund. Exhibit M-6 is the reply given by the Deputy General Manager and Divisional Controller, Hassan to the General Manager, M.S.R.T.C. Central Offices, Bangalore in connection with the representation Exhibit M-3 given by Gunakar Bahadur. In that it has written to the effect that M.W. 1 visited the office on the night of 15th May 1971 at about 9 p.m. and Gunakar Bahadur was found drunk while on duty and had allowed some unauthorised persons to sleep in the office premises and that on 15th May 1971 he tendered his resignation which was accepted with effect from 20th May 1971 and that he had enough time to re-consider the issue from 15th May 1971 to 20th May 1971 to withdraw the resignation which he did not do, and that the incumbent is a habitual drunkard.

Gunakar Bahadur, W.W. 1 stated to the effect in his evidence that on the night M. W. 1 visited the Divisional Office. He was doing Watchman's duty and at his post and that he was not sleeping and that his only child aged about 2 years was sleeping in that office and that Hanumegowda who had to relieve him at 2 a.m. was also sleeping in the Divisional Office and none else and that as he had lost his wife about 4 months prior to that night and as no one was

there to look after his child he had brought the child to sleep in the office and that the security officer knowing his difficulties had given consent for the same. It is also in his evidence that he was not drunk on that night. It is his case that on the next morning the Security Officer asked him to sign on a paper and he signed that paper without knowing its contents and that the Security Officer did not tell him what the contents were and that he had given any resignation letter and that he had no intention to resign at any time and he had no other source of income or any property also and that he did not know reading or writing and that he only knew how to sign. When his resignation Exhibit M-1 was shown to him he said that he did not know what had been written in Exhibit M-1 and that on 20th May 1971 when he went to work he was told that he need not come to duty and given an order of accepting his resingation which he could not read.

6. Now the only question is whether the evidence of W.W. 1 first party could be believed. M.W. 1 Major Weslie, on the other hand has stated that he saw some body sleeping in the Divisional Office when he visited the office on 14th May 1971 and that he questioned Gunakar Bahadur and that he did not gave any explanation and on the next day he received Exhibit M-1. He accepted the resignation and passed order as per the original of Exhibit M-2 which was sent to the first party. He has stated that Gunakar Bahadur had given his resignation letter himself and the officer had not forced him or coerced him to give any resignation letter and that the first party was not give any resignation letter and that the first party was not made to sign the resignation letter and that once a resignation is accepted it becomes final. In his cross-examination he has stated that he felt that Gunakar Bahadur was drunk by the smell at that time. He denied the suggestion that he (Gunakar Bahadur) was not drunk on that night. He also states that Gunakar Bahadur did not give him the resignation letter directly in his chambers. He also states that he had not questioned Gunakar Bahadur before he accepted his resignation. He further states that it was not necessary that the resignation be in writing. It is also in his evidence that as he received the resignation letter on 20th May 1971 for orders, he passed orders on that day.

From the evidence on record, it is very clear that Gunakar Bahadur

does not know English reading and writing excepting to sign. It is also very clear from the evidence of Gunakar Bahadur that he had received his Provident Fund and had written a letter as per the original of Exhibit M-5 to the Deputy Labour Commissioner. In the original of Exhibit M-5 he has written to the effect that as at the time when he was on duty and he had kept his child with him and as the Divisional Controller had told him that he should not have kept his child while on duty he resigned. So it is probable from the above letter that Gunakar Bahadur resented the advice given by M.W. 1 when he visited the office on the night of 14th May 1971 and as such he signed the resignation letter. It has not been proved by the first party that he was forced to sign the resignation letter or that the resignation letter was got written by M.W. 1 or by any one at his instance. Even according to the evidence of Gunakar Bahadur W.W. 1, the security officer was on cordial terms with him and that he had no illwill or grudge towards him. So it is highly improbable that the security officers would have taken his resignation on the resignation letter without the contents being told to him. From the evidence on record it is very clear that the first party had signed the resignation letter and had given that letter to the office where he was working and that M.W. 1 who had competence to accept the resignation letter has accepted the same. Therefore, I am of opinion that no case has been made out against the management that the management refused employment to Gunakar Bahadur with effect from 25th July 1971, therefore no relief can be granted to the first party workman Gunakar Bahadur in this case. So the reference in that regard will have to be rejected.

7. So far as the termination of services of T. Chidambaraiah is concerned, at the outset alone it must be said that M.W. 1 Major Weslie, who was working as Divisional Controller and Deputy General Manager, Hassan Division, Hassan from 1970 to June 1972 and who ordered the prosecution of the I Party workman T. Chidambaraiah, had no power to do so under the K.G.R.T.D. Standing Orders. It has been held in a caase reported in 1970 (2) Mys. L.J. 496 Devaraj Urs and Others vs. M.S.R.T.C. and Others that under S.O. VIII of the Standing Orders, the Deputy General Manager, Bangalore Division was invested with the disciplinary powers which was till then vested in the General Managers, and the Divisional Controllers of other Divisions, were not competent to pass an order for enquiry and punish the

subordinates. Disciplinary action has been taken and punishment has been imposed on the first party workman in this case by other than the Deputy General Manager and Divisional Controller of Bangalore Division of the Corporation. It is very clear from the above mentioned decision that our own High Court has taken the view that under the Standing Orders no officer other than the Deputy General Manager or Divisional Controller of the Corporation was entitled to take disciplinary action against employees of the Corporation and to punish them in such proceedings. So, admittedly in this case T. Chidambaraiah W.W. 2 was a conductor working in Sakleshpur Depot and the officer who took action against him was the Deputy General Manager and Divisional Controller, Hassan Division and not the Deputy General Manager or Divisional Controller of Bangalore Division. Therefore the disciplinary proceedings in this case against the first party workman T. Chidambaraiah is not in accordance with the Standing Orders and as such the proceedings are illegal. On that ground alone, the termination of service of T. Chidambaraiah has to be set aside.

8. Now, coming to the merits of the case. M.W. 1 Major Weslie, who was working then as Deputy General Manager and Divisional Controller K.S.R.T.C. Hassan Division, on the report from the Checking Inspectors as per Exhibit M-7 appointed M.W. 2 Joshi, as enquiry officer and Exhibit M-11 was issued by the enquiry officer and that the enquiry officer submitted his findings after holding the enquiry and after considering the report and other papers he accepted the findings and found the first party workman guilty and proposed to terminate his services and issued a show cause notice as per Exhibit M-17 and after considering the explanation given by the first party workman to Exhibit M-17 and after giving a personal hearing as per Exhibit M-19 he passed the order as per Exhibit M-20 terminating his services.

9. Now it is very clear from the papers placed before this court that it was not M.W. 1 who framed the charges against the first party workman. It was M.W. 2 Enquiry Officer, Joshi who framed the charges. All that the M.W. 1 has written on Exhibit M-7 is "charge sheet him ATS (d) appointed EO 27th September 1971 Exhibit M-11 is the charge-sheet. The charges read as follows :—

"That on 20th September 1971 while you were on duty in the Vehicle No. MYF 4521 plying on the route SKF-16 and when checked by the L/c Staff at stage No. 12 (Hebbale) at about 17.30 hours, you had failed to issue tickets to 8 passengers as detailed below :—

(a) 4 adults from Ramanathapura to Hebbale fare per head Rs. 0.70 (collected).

(b) 2 adults from Konanur to Kudige fare per head Rs. 0.80 (collected).

(c) 1 adult from Siddapura to Kushalnagar fare per head Re. 1 (collected).

(d) 1 adult from Sirangala to Kanive fare per head Rs. 0.50 (not collected).

II. That you had failed to follow the rule 'issue and start'

In that charge sheet it has been stated to the first party workman as follows : "You are hereby directed to explain as to why suitable disciplinary action should not be taken against you on the charges mentioned above." It is an admitted fact that the first party workman T. Chidambaraiah had given an explanation as per Exhibit M-12 on 30th October 1971. Charge sheet was issued on 22nd October 1971. There is no evidence adduced on behalf of the management that the explanation given by T. Chidambaraiah was considered before further proceedings was directed against him. On the other hand, it is clear from the charge sheet Exhibit M-11 that the management had already made up its mind to hold an enquiry and that the explanation was called for in a very formal way without any meaning. This should not have been the attitude of the disciplinary authority. The disciplinary authority in this case was the Deputy General Manager and Divisional Controller, Hassan. He should have considered the explanation given by T. Chidambaraiah and he should have made up his mind as to whether disciplinary action should be taken as per Exhibit M-11. When that has not been done, I am of opinion that it is a serious illegality committed by the disciplinary authority and also by the Enquiry Officer in conducting the enquiry. The charge sheet makes it very clear that the enquiry officer himself took the roll of disciplinary authority as he called upon the first party workman to give

his explanation as to why suitable disciplinary action should not be taken against him. It appears to me from the evidence that he too did not consider the explanation given by T. Chidambaraiah W.W. 2. So it appears to me that the management had already made up its mind to hold the enquiry even though it had called for an explanation of the first party workman as to why suitable action should not be taken against him. Such an empty formality should not be done by the management. If the management did not want to call for an explanation it should not have given any notice to the first party calling for explanation. It should have straightaway taken disciplinary action such as holding the enquiry. But when it has called for the explanation of the first party workman and when it has not considered the explanation I feel that it is a serious irregularity committed by the disciplinary authority.

10. The management relies on the evidence given before the enquiry officer alternatively. In addition to that it has also relied upon the evidence addused by it before this court. So for as the evidence before the enquiry officer is concerned, it is clear that only one witness Hanumegowda, A.T.I. attached to the Line Checking Squad, was examined and on his evidence the enquiry officer has found the workman guilty. According to the chargesheet there were 48 passengers in the vehicle in which Chidambaraiah was the conductor and that for 8 passengers who were travelling from the places mentioned in the chargesheet he had not issued tickets. It is the case of the management that 48 passengers were travelling in the bus while it is the case of first party that only 40 passengers were in the bus and that he had issued tickets to all the 40 passengers. He has denied that there were 48 passengers in the bus and he has also denied that he had not issued tickets to 8 passengers. It is an admitted fact that on 20th September 1971 two checking staff had checked the bus at the outskirts of Hebbale on the way between Hassan—Virajpet route. Even before the enquiry officer the first party workmen had denied the charge against him. With regard to the recording of the statement of the alleged passengers who were without tickets the first party had stated before the enquiry officer that about 100 College and School children and students had gathered around the bus and the checking jeep and he could not go through the contents of the ticketless passengers' statement recorded by the checking official but however he had attested it. He had further stated that the

checking officials had overwritten the figure 40 by altering it to 48 since they had confiscated the 8 tickets. After the first party was examined and after he was cross-examined by Hanumegowda, the enquiry officer himself has cross-examined the first party. In his findings the enquiry officer has found him guilty of both the charges. Of course he has merely relied on the evidence given by Hanumegowda and also taken into consideration the statement given by the workman before him in coming to that conclusion. But in my view it must be held that he was biased enquiry officer because he himself had issued the charge-sheet and he himself had called for the explanation of the first party workman as to why disciplinary action should not be taken against him and he has himself conducted the enquiry without considering the explanation called for. No doubt the materials placed before him would have been sufficient for him to come to the conclusion that the first party workman was guilty of the charges. But in my view his findings and the whole enquiry held by him are biased ones and no reliance can be placed on his enquiry.

11. It has been held in 1968 (2) LLJ. 274 Shardul Singh vs. State of Madhya Pradesh and others that in the absence of statutory provision permitting expressly or impliedly the deligation of disciplinary powers, the disciplinary authority must himself frame charges and hold an enquiry into them or direct another to hold the enquiry on those charges. An authority other than the disciplinary authority has clearly no powers to frame, on its own initiative, charges against a civil servant and hold enquiry." See also 1969 (2) LLJ. 493 Manihar Singh vs. Superintendent of Police, United Khasi-Jaintia Hills, Shillong and others. From the principles aid down in the above decisions it is clear that the disciplinary authority itself has to frame the charges and it has not framed in this case. On the other hand this deligation of its powers to the enquiry officer appears to me to be bad. So far the evidence before this court was concerned, the management relies on the evidence of two witnesses namely MW3 and MW4. It is not disputed that these two persons were the checking staff on the relevant day and that the first party was the conductor of that bus at that time. Their evidence that they checked the bus at stage No. 12 near Hebbale village and that they found 48 adults and one child in the bus at that time and that for 8 adults tickets had not been issued and that entries had been made in pencil in the way bill by the first party in the column root.

MW3 admits that he had written 40+8 and below that 40/1+8 and that he had done it so as the first writing was not clear in the way bill. MW3 admits in his evidence to the effect that to verify whether the statement of ickeless passengers "We did not check up the cash which was with the I Party workman". Of course it was stated that they were not expected to check the cash on-route. It is also in his evidence that after the checking was over an offence memo was issued to the I Party as per Ex. M-9 and he has signed it at Ex. M-9(a). It is also in his evidence that the statement of passengers as per Ex. M-10 in the proforma of the ticketless passengers had been taken with their signatures and it is also signed by the first party. According to the evidence of MW4 Manjunatha Pai, the checking of cash was not made as the checking staff thought that the statement of passengers to the effect that they had already paid the fare was gospel truth. It is stated that the conductors will have so much cash only for which he had issued tickets or collected from the passengers. So it is very clear from the evidence of MW4 that if the cash had been checked up they could have found outwhether the money tallied with the tickets issued or not and whether the conductor had collected amounts from the alleged 8 passengers who were said to have been found not issued tickets or not. They have not done so. It is also inevidence that there were traffic controllers at certain points in a road like Arkadgud, Konanur, Kushalnagar, Mercara and other places etc. Soon as a bus arrives at the bus stand the traffic controller check up the number of passengers in the bus and also checks the number of tickets of various denominations issued at the stand and puts the same in the way bill.

12. The first party workman in his evidence has stated that at the time when the bus was checked by MW3 and MW4 there were only 40 passengers and not 48 passengers and that he had issued tickets to all the 40 passengers and that the same had been noted in the way bill and that MW3 and MW4 have stated that there were 48 passengers and tore off 8 tickets and took those tickets. He has stated that the persons mentioned in Ex. M-10 as passengers were not in the bus and Ex. M-10 was not filled up when he signed Ex. M-10 (a) and that MW3 and MW4 counted the cash in his cash bag and also his person but there was no excess amount. He states that a false case has been filed against him by MW3 and MW4, who were not on condial terms with him. But that has not been substantiated by the first party work-

man. Yet in my view the evidence of MW3 and MW4 also is not sufficient to hold that there were 48 passengers in the bus. As the first party workman has totally denied that there were 48 passsengers in the bus from the very beginning. The names of the alleged 8 passengers who had not been issued tickets in Ex. M-10 the addresses of some of them had been taken in Ex. M-10. It was easy for the management to have examined some of them at least one or two to prove that they were in the bus and that they had not been issued the tickets. But the management had not taken steps to examine any of those passengers. It was not the case of the management that it was difficult for them to procure their attendance or that they had turned hostile.

13. In the above circumstances, I am of the opinion that an adverse inference has to be drawn against the management, that if some of the alleged passengers were examined the evidence would not have been in favour of the management. In my view the evidence of MW3 and MW4 is not sufficient to hold that there were 48 passengers in the bus and that 8 passengers had not been issued tickets by the first party and that the first party had received the fares from them. No doubt the first party workman had signed Ex. M-10 but on that account alone it cannot be held that the statement written in Ex. M-10 is correct in the absence of examination of the alleged passengers.

14. For all the reasons stated by above, I am of opinion that the management has failed to establish its charge against Sri Chidambaraiah. Hence I am of the opinion that the termination of the service of T. Chidambaraiah by the management with effect from 23rd May 1972 is not valid and has to be set aside and that he is entitled to reinstatement with back wages.

15. In the result, I pass an award holding (1) that the management of M.S.R.T.C., Hassan, is justified in (a) refusing employment to Sri Gunakar Bahadur, Watchman, Hassan Depot with effect from 25th July 1971 and that the said worker is not entitled to any relief, and (b) that the said management is not justified in terminating the services of Sri T. Chidambaraiah, Conductor Sakleshpur Depot with effect from 23rd May 1972 and that the said worker shall be reinstated in service with all the back wages from the date of termination. He

shall be reinstated within one month from the date of publication of this award in the official Gazette. Parties to bear their own costs.

H. S. VENKATASUBBAIAH,

Mangalore, Presiding Officer,

Dated : 7th March 1975. Labour Court, Mangalore.

TRUE COPY"

H. S. VENKATASUBBAIAH,
Presiding Officer,
Labour Court, Mangalore.

Order No. SWL 78 LLA 75, Bangalore, dated the 31st March 1978

S. O. 1012.—

Whereas by State Government Order No. FCL 218 LLD 73, dated 2nd May 1973, the Industrial Dispute between the workmen and the management of the Deputy General and Divisional Controller, K.S.R.T.C., Hassan Division, Hassan, was referred to the Labour Court, Mangalore, for adjudication.

And, whereas the Labour Court, Mangalore, has submitted to the State Government its award in respect of the said Industrial Dispute.

Now, therefore, in exercise of the powers conferred by section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka. are pleased to direct the publication of the said award as above. in the **Karnataka Gazette.**

By Order and in the name of the Governor of Karnataka,

K. MYLARAPPA,
Under Secretary to Government,
Social Welfare and Labour Department.

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